

REMARKS

In the present Action, the Examiner has rejected claims 1, 3, 8, 11, 12, 14, 16, 21 and 25 under 35 U.S.C. 102(e) as being anticipated by Kitchen et al. (US Pat. 6,289,322), has rejected claims 2 and 15 under 35 U.S.C. 103(a) as being unpatentable over Kitchen, and has rejected claims 4-7, 9, 10, 13, 17-20, 22, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kitchen further in view of Remington et al. (US Pat. 6,070,150) Reconsideration of these grounds of rejection is respectfully requested.

As the Examiner acknowledges in his Office Action of December 2, 2003, Kitchen describes a bill presentment service. Specifically, Kitchen requires that all bills to be paid be uploaded from the billers' websites to a server located in centralized CF station 140. The bill presentment software in CF station 140 stores the billing information and the billing templates so that they can be merged to electronically present the billing information to the payor (col. 6, lines 64 to 67).

In order to pay a bill, the payor must request the available billing related information from the CF station 140 website (col. 7, lines 57-60, col. 8, lines 1-11) which will in turn transmit to the payor the billing information provided by the biller (col. 8, lines 12-15).

Kitchen requires that each biller enter into a contractual relationship with the centralized CF station to enable it to act as a centralized bill presentment provider on the biller's behalf. Such contracting out is typically very expensive to set up and involves ongoing fees. In addition, the solution taught by Kitchen involves the passing of a business critical function to a third party bill presentment provider and also makes confidential client information available to the third party bill presentment provider. Furthermore, there are increased operational costs associated with the database maintenance and updating required to pass payment information to and from the third party bill presentment server. Finally, the biller loses marketing control over the payor as the payor does not go to the biller's website as the first point of contact.

Kitchen's system bears little resemblance to the invention of claim 1. In the present invention, the bills to be presented reside on numerous biller servers (14A, B & C) each being populated by individual billers. This arrangement allows the client to access the appropriate biller server, view a particular bill and generate the payment instructions without first getting involved with the bill processing server. Only after payment instructions are generated does the bill processing server get involved. In the embodiment of the invention depicted in Fig. 2, the

payment instructions are made using a bill payment icon 24 that is generated by the biller server and is displayed on the bill. The client simply clicks the icon to authorize payment.

Applicant submits that there is simply no disclosure in Kitchen of any process or system other than a bill presentment system and, in particular, that there is no disclosure of a process or system in which billing information formatted at the billing server includes "means for initiating bill payment instructions" (e.g. the website address of the bill processing server as part of an HTML form) as recited at claim 1, lines 12-15. Similarly, independent Claim 14, lines 10-12 require the formatting of bill information including "means for initiating bill payment instructions." To further emphasize the distinction between the present invention and Kitchen, claim 1 has also been amended to specify that the client computer includes "a display for receiving and viewing from one or more biller servers and not from said bill processing server said bill information . . ." (emphasis supplied). Similarly, claim 14 has been amended to specify in paragraph (a) that the bill information, including means for initiating bill payment services, is formatted at the biller servers and in paragraph (b) the step of "transmitting said bill payment instructions from a selected one of said one or more biller servers and not said bill processing server . . ." (emphasis supplied). Because applicant's system and process are substantially different from Kitchen's and avoid many of the disadvantages of Kitchen's bill presentment systems, it is submitted that claims 1, 3, 8, 11, 12, 14, 16, 21 and 25 are patentable over Kitchen and withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested. Likewise, claims 2 and 15 are believed to be patentable over Kitchen as well.

With respect to the rejection of claims 4-7, 9, 10, 13, 17-20, 22, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kitchen further in view of Remington et al., it is submitted that no combination of the teachings of Kitchen and Remington et al. render the claimed subject matter obvious. Remington et al. discloses that an HTML form can be used with an independent bill presentment and payment remittance service. In this regard, Remington et al. suffers the same deficiencies as discussed above in relation to Kitchen, and in particular does not disclose any process or system which uses an electronic bill format which is sent from the biller server and not the bill processing server, to the customer which contains the means to link to a different server, the bill processing server, upon payment authorization.

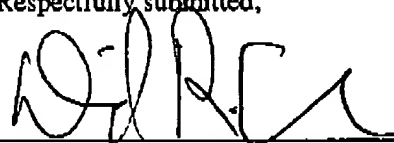
Accordingly, it is submitted that claims 4-7, 9, 10, 13, 17-20, 22, 23 and 26 are patentable over Kitchen in view of Remington et al. and withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

In view of the foregoing, applicants believe that all of the claims are now in condition for allowance and respectfully request the Examiner to pass the subject application to issue. If for any reason the Examiner believes any of the claims are not in condition for allowance, he is encouraged to phone the undersigned at (650) 849-7777 so that any remaining issues may be resolved.

Aside from the fees for the petition for extension of time and the RCE, no additional fee is believed due for filing this response. However, if a fee is due, please charge such fee to Morgan, Lewis & Bockius LLP's Deposit Account No. 50-0310.

Respectfully submitted,

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